

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THOMAS JERRY HILL, JR.,

Petitioner,

v.

STEVE SINCLAIR,

Respondent.

Case No. 09-cv-1783-TSZ

ORDER OF DISMISSAL

THIS MATTER comes before the Court on the Report and Recommendation of the Honorable James P. Donohue, docket no. 23. Having carefully considered the Report and Recommendation and petitioner's objections thereto, the Court does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

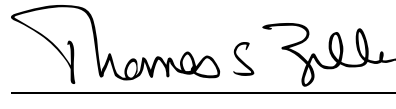
(2) Respondent's motion to dismiss, docket no. 19, is GRANTED and this case is DISMISSED with prejudice.

(3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED with respect to the Court's determination that Petitioner's habeas petition is untimely.

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1 (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for
2 Respondent and to Magistrate Judge Donohue.

3 DATED this 23rd day of July, 2010.

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6 Thomas S. Zilly
7 United States District Judge
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